

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S Thacker Avenue, 230' N * DEPUTY ZONING COMMISSIONER
OF THE C/L of Tredegar Avenue * OF BALTIMORE COUNTY
(305 Thacker Avenue) *
1st Election District *
1st Councilmanic District *
James D. Officer, et ux *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 8 feet in lieu of the required 15 feet and a side yard setback sum of 25.6 feet in lieu of the required 40 feet, for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners, by James D. Officer, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 305 Thacker Avenue, consists of .37 acres zoned D.R. 2 and is improved with a single family dwelling which has been Petitioners' residence for the past 20 years. Petitioners propose constructing an addition to the side of the property to increase the size of the existing kitchen area and add a bathroom. Testimony presented indicated that due to the location of existing windows in the rear of the dwelling and landscaping, the proposed site for the addition is the only practical location for the addition. Once the addition has been constructed, there will still be a distance of 17.6 feet from the side property line. Petitioners testified they have discussed their proposal with the affected adjoining neighbor who has voice no objection to their plans. Testimony indicated the requested variance will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the p. sic. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of July, 1989 that the Petition for Zoning Variance to permit a side yard setback of 8 feet in lieu of the required 15 feet and a side yard setback sum of 25.6 feet in lieu of the required 40 feet, for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

- 2 -

Variance from Section, Continued.

- Three double windows would be eliminated, creating dark rooms and hallways.
- The roof would be a shallow shed roof which would limit the width of the addition. This would also create problems after a heavy snow fall.
- The room arrangement would be more difficult and inefficient.
- The architectural integrity of the house would be damaged.
- The backyard design and landscaping would be destroyed.

Mr. James D. Officer
305 Thacker Avenue
Baltimore, Maryland 21228
(301)747-1519

ZONING DESCRIPTION

Beginning on the east side of Thacker Avenue, 80 feet wide, at the distance of 230 feet north of the centerline of Tredegar Avenue. Being Lot 0107, in the subdivision of OAK FOREST PARK, Book No. 05, Folio 090 and 091. Also known as 305 Thacker Avenue in the first Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st Date of Posting June 18-89
Posted for: James D. Officer, et ux
Petitioner: James D. Officer, et ux
Location of property: E/S of Thacker Avenue, 230' N of C/L of Tredegar Avenue
Location of Sign: in front of 305 Thacker Avenue
Remarks: AD Right
Posted by: AD Right Date of return: June 16-89
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 1, 19 89
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 1, 19 89

THE JEFFERSONIAN,

S. Zeke Olson

Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein in Room 106 of the County Office Building, located at 111 W. Chase Avenue in Towson, Maryland 21204 as follows:
Petition for Zoning Variance
Case number 89-532-A
E/S of Thacker Avenue, 230' N of C/L of Tredegar Avenue
305 Thacker Avenue
1st Election District
1st Councilmanic District
Petitioner(s):
James D. Officer, et ux
Hearing Date: Friday, June 23, 1989 at 2:00 p.m.
Variance: To permit an individual side yard setback of 8 feet and side yard setback sum of 25.6 feet in lieu of the minimum 15 feet and 40 feet, respectively.
It is the order of the Zoning Commission that the Petitioner be granted a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during the appeal period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
CJ46019 June 1, 1989

PO 12614
Reg # 1732930
Case # 89-532-A
\$64.69

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

July 12, 1989

Mr. James D. Officer
305 Thacker Avenue
Baltimore, Maryland 21228

RE: PETITION FOR ZONING VARIANCE
E/S Thacker Avenue, 230' N of the C/L of Tredegar Avenue
(305 Thacker Avenue)
1st Election District - 1st Councilmanic District
James D. Officer, et ux - Petitioners
C.P. No. 89-532-A

Dear Mr. Officer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

Office of
PATUXENT
Publishing Company
10740 Line Patuxent Pkwy.
Columbia, MD 21044

THIS IS TO CERTIFY, that the annexed advertisement of

was inserted in the following:
☒ Catonsville Times
☒ Arbutus Times
☒ Reporter Weekly
☐ Booster Weekly
☐ Owings Mills Flier
☐ Towson Flier

weekly newspapers published in Baltimore County, Maryland once a week for 19 successive weeks before the 19 day of June, 19 89, that is to say, the same was inserted in the issues of

PATUXENT PUBLISHING COMPANY
By S. Zeke Olson

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

vs.

Defendant

CERTIFICATE OF PUBLICATION OF

PO 12614
Reg # 1732930
Case # 89-532-A
\$64.69

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802-3.C.1. To permit an individual side yard setback of 8' and side yard setback sum of 25.6' in lieu of the minimum 15' and 40', respectively.

1. To construct a 14 feet wide by 45 feet long addition, which runs east and west, and is attached to the south side of the existing house, at 305 Thacker Avenue. This would consist of a 14' x 26' kitchen and breakfast room and a 14' x 19' sunroom.
 2. The alternate location of the addition at the rear of the south side of the house would create a number of problems: (See attached page) Property is to be posted and advertised as prescribed by Zoning Regulations.
- I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney's Telephone No.: _____

Legal Owner(s):
James D. Officer
(Type or Print Name)
Signature _____
Thelma R. Officer
(Type or Print Name)
Signature _____
DECEASED
Signature _____

305 Thacker Avenue (301)747-1519
Address Phone No.
Baltimore, Maryland 21228
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
James D. Officer
Name
305 Thacker Avenue (301)747-1519
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 26 day of June, 19 89, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30 day of June, 19 89, at 2 o'clock P.M.

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

Mr. & Mrs. James D. Officer
305 Thacker Avenue
Baltimore, Maryland 21228

Re: Petition for Zoning Variance
CASE NUMBER: 89-532-A
E/S of Thacker Avenue, 230' N of C/L of Tredegar Avenue
305 Thacker Avenue
1st Election District - 1st Councilmanic District
Petitioner(s): James D. Officer, et ux
HEARING SCHEDULED: FRIDAY, JUNE 23, 1989 at 2:00 p.m.

Dear Mr. Officer(s):

Please be advised that \$ 79.69 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not come to the sign and post not(s) from the time it is posted by this office until the day of the hearing.

THIS FEE MUST BE PAID AND THE ZONING DEPARTMENT NOTIFIED BY THE DAY OF THE HEARING OR THE ORDER SHALL BE IN EFFECT.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post not(s) to the Zoning Office, County Office Building, Room 106, Towson, Maryland 21204 (11:00 a.m. to 4:00 p.m.) minutes before your hearing. An additional fee

BALTIMORE COUNTY, MARYLAND No. _____
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 6/23/89 ACCOUNT Patuxent Publishing
AMOUNT \$ 79.69
RECEIVED FROM James D. Officer
FOR Patuxent Publishing 79.69

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3833
J. Robert Haines
Zoning Commissioner

May 15, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

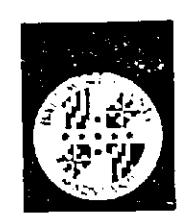
Petition for Zoning Variance
CASE NUMBER: 89-532-A
E/S of Thackeray Avenue, 230 ft. N of c/l of Tredegar Avenue
305 Thackeray Avenue
1st Election District - 1st Councilmanic
Petitioner(s): James D. Officer, et ux
HEARING SCHEDULED: FRIDAY, JUNE 30, 1989 at 2:00 p.m.

Variance to permit an individual side yard setback of 6 feet and side yard setback sun of 25'6" in lieu of the minimum 15' and 40', respectively.

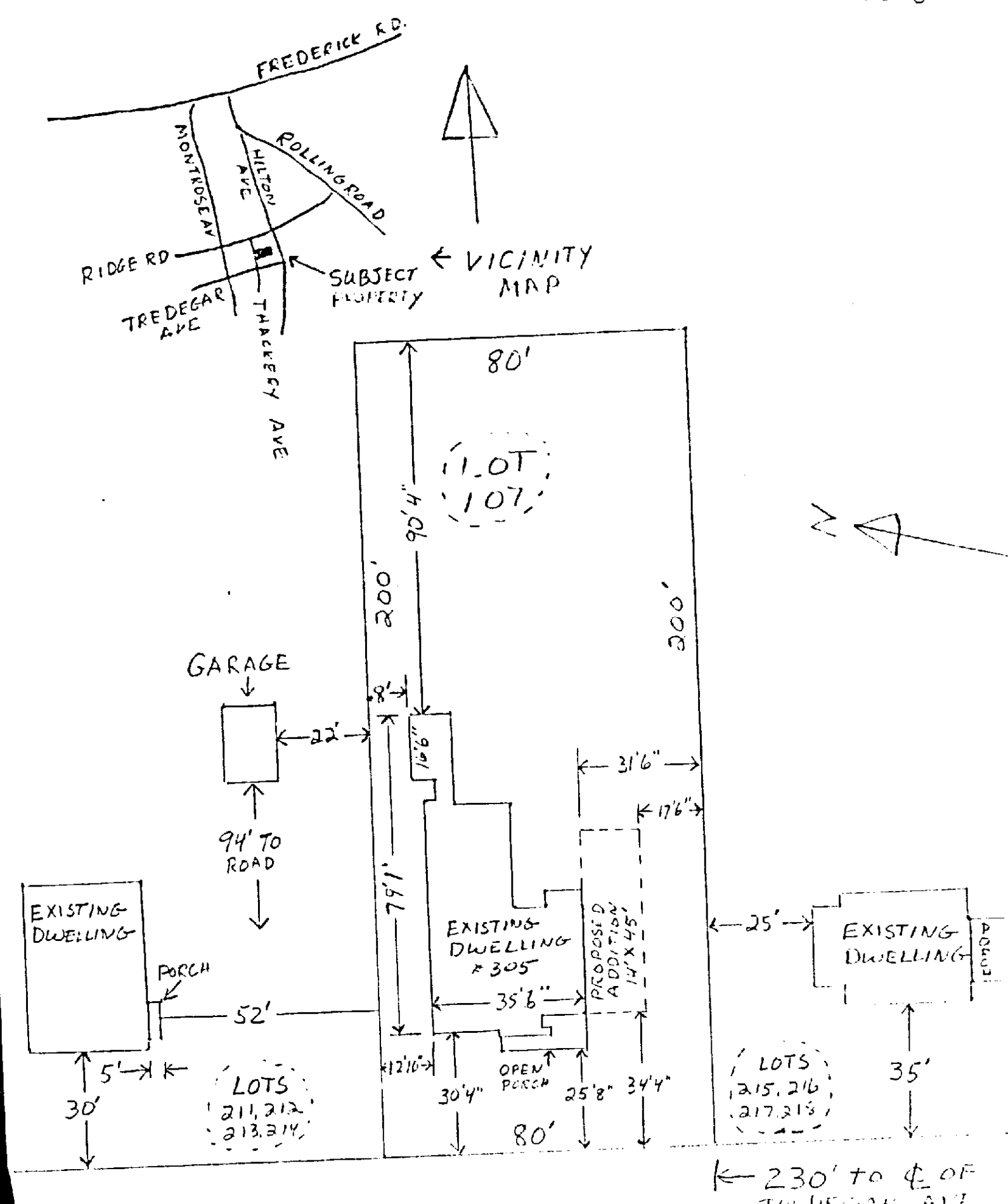
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Officer
File



Dennis F. Rasmussen
County Executive



THACKERAY AVE (40' R/W 19' PARKING)
1" = 30'
PLAT FOR ZONING VARIANCE
LOT SIZE 16,000 Sqft
0.37 ACRES

OWNER - JAMES + JULIA (CLAUDE) OFFICER
DISTRICT - 01 ZONED R-1.2
SUBDIVISION - DAL 1000 1000
LOT 100 UNDER 5' 10010 90441
EXISTING UTILITIES - GAS + SEWER + WATER IN THACKERAY AVE
ELECTRIC + PHONE ACROSS REAR OF PROPERTY AT 100' FROM

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 25, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 424, 425, 426, 427, 428, 429, 430, 431, 432, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, and 448.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
APR 29 1989
ZONING OFFICE

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: James D. Officer

Location: E/S of Thackeray Ave, 230' N of centerline of Tredegar Avenue

Item No.: 428 Zoning Agenda: April 25, 1989

Citizens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division



Dennis F. Rasmussen
County Executive

89-532-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
26th day of April, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: James D. Officer
Petitioner's Attorney: [Signature]
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 8, 1989

COUNTY OFFICE BLDG.,
111 W. Chesapeake Ave.,
Towson, Maryland 21204

cc:

Mr. James D. Officer
305 Thackeray Avenue
Baltimore, MD 21228

RE: Item No. 428, Case No. 89-532-A
Petitioner: James D. Officer
Petition for Zoning Variance

Dear Mr. Officer:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-532-A
Item No. 428

Re: James D. Officer

The Petitioner requests a variance to permit a side yard setback of 8 feet in lieu of the required 15 feet and a sum of the side yard setbacks of 25' 6" in lieu of the permitted 40 feet. In reference to this request, staff offers no comment.

A:63089.txt Pg. 2

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for April 25, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 424, 425, 427, 428, 429, 430, 431, 432, 435, 437, 439, 440, 441, 442, 443, 444, 445, 447, and 448. Comments are attached for Items 426, 434, 436, 438 and 446.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Encls.

MAY 1 9 1989